

From: Ann Lee
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

I believe that the proposed settlement that has been offered, Microsoft giving approx. \$1 billion in refurbished computers and software to schools to settle their lawsuits, is not only acceptable, but possibly illegal. Nor does it do anything to address the actual people and businesses that have been harmed by it's monopolic behavior.

As John Kheit pointed out in his article in The Mac Observer, <http://www.macobserver.com/>,
" . . . Such predatory pricing and/or dumping tactics are normally illegal for a convicted monopolist. U.S. v. Columbia Steel Co., 334 U.S. 495, 530 (1948); Western Concrete Structures Co., Inc. v. Mitsui & Co. U.S.A.), Inc., 760 F.2d 1013, 1018 (9th Cir. 1985).

Thus, it is currently illegal for Microsoft to give its software to the educational market for free or at a price below its costs because they have been found to be a monopoly. However, if the government agrees to Microsoft's proposed settlement with the states, then the government will at the very least be providing Microsoft with an exception to this rule, or at worst be a collaborator in illegal predatory pricing and dumping."

Microsoft should be punished for their anti-competitive behaviour, not rewarded with another market to monopolize. Also, any settlement should be focused towards the consumer and business community, not an irrelevant third party.

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